

1:08CV63-T

**MOTION UNDER 28 USC § 2255 TO VACATE, SET ASIDE, OR CORRECT
SENTENCE BY A PERSON IN FEDERAL CUSTODY**

United States District Court Middle District of Alabama		District
		2008 JAN 29 A 9:09
Name of Movant	Prisoner's No.	Docket No.
MOODY, MICKEY LEE	09427-002	1:05CR195-LSC
Place of Confinement		
FCI Atlanta-Medium, P.O. Box 150160, Atlanta, GA 30315-0160		
(Include name upon which convicted) UNITED STATES OF AMERICA V MICKEY LEE MOODY (Full name of movant)		

MOTION

- Name and location of court which entered the judgment of conviction under attack U.S. District Court of Alabama in the Southern Division of Montgomery, AL.
- Date of judgement of conviction 10 Apr. 06; Sentenced on 7 Sept. 06
- Length of sentence 180 months
- Nature of offense involved (all counts) Section 922(g)(1) of Title 18; Unlawful Possession of a Firearm and Ammunition by a Person convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year..
- What was your plea? (Check one)

(a)	Not guilty	<input checked="" type="checkbox"/>
(b)	Guilty	<input type="checkbox"/>
(c)	Nolo contendere	<input type="checkbox"/>
- Kind of trial: (Check one)

(a)	Jury	<input type="checkbox"/>
(b)	Judge only	<input checked="" type="checkbox"/>

 Plea Agreement
- Did you testify at trial?
Yes ☐ No ☒
- Did you appeal from the judgment of conviction?
Yes ☒ No ☐

9. If you did appeal, answer the following:

(a) Name of court Elevent Circuit Court of Appeals

(b) Result Affirmed

(c) Date of Result 9 Feb. 07

10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications or motions with respect to this judgement in any federal court?

Yes ☐ No ☒

11. If your answer to 10 was "yes," give the following information:

(a) (1) Name of court N/A

(2) Nature of proceedings N/A

(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result N/A

(6) Date of result N/A

(b) As to any second petition, application or motion, give the same information:

(1) Name of Court N/A

(2) Nature of proceeding N/A

(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☐ N/A

(5) Result N/A

(6) Date of Result N/A

(c) As to any third petition, application or motion, give the same information:

(1) Name of Court N/A

(2) Nature of proceeding N/A

(3) Grounds raised N/A

(4) Did you receive an evidentiary hearing on your petition, application or motion?

Yes ☐ No ☒

(5) Result N/A

(6) Date of Result N/A

(d) Did you appeal, to an appellate federal court having jurisdiction, the result of action taken on any petition, application or motion?

(1) First petition, etc. Yes ☐ No ☐ N/A

(2) Second petition, etc. Yes ☐ No ☐ N/A

(3) Third petition, etc. Yes ☐ No ☐ N/A

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not: N/A

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: If you fail to set forth all grounds in this matter, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in these proceedings. Each statement preceded by a letter constitutes a separate ground for relief. You may raise any ground which you have other than those listed. However, you should raise in this motion all available grounds (relating to this conviction) on which you based your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief, you must allege facts. The motion will be returned to you if you merely check (a) through (j) or any one of the grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntary or with understanding of the nature of the charge and the consequences of the plea.
- (b) Convictions obtained by use of coerced confession.
- (c) Convictions obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Convictions obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Convictions obtained by a violation of the protection against self-incrimination.
- (f) Convictions obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Convictions obtained by the violation of the protection against double jeopardy.
- (h) Convictions obtained by action of a grand or petit jury which was unconstitutionally selected and impanelled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

A. Ground one: DID MOVANT ENJOY EFFECTIVE COUNSEL ASSISTANCE AS GUARANTEED BY THE SIXTH AMENDMENT WHERE COURT ALLOWED CHANGE OF COUNSEL FOUR TIMES PRIOR TO SENTENCING?

Supporting FACTS (tell your story briefly without citing cases or law): 1. A one-count indictment was issued by a Grand Jury in the Middle District of Alabama's Southern Division on 8 Sept. 05 (Document 1 (Doc. 1)), resulting in a detainer lodged on 18 Oct. 2005.

2. Respondent filed a motion for Writ of Habeas Corpus ad prosequendum on 8 Nov. 2005, GRANTED on 9 Nov. 2005 (Doc.'s 4 & 5), and issued to Movant (Con'd on Pg. 5-1)

B. Ground two: WAS COUNSEL INEFFECTIVE AT SENTENCING BY ALLOWING PROSECUTOR TO USE THE NONVIOLENT THIRD DEGREE MISDEMEANOR UNDER STATE LAW AS VIOLENT TO ENHANCE FEDERAL SENTENCE CONTRARY TO ARTICLE IV OF UNITED STATES CONSTITUTION?

Supporting FACTS (tell your story briefly without citing cases or law): 1. Under the Full and Fair Consideration Act and Article IV, Section 1 of the Federal Constitution, federal law enforcement or judicial courts cannot make a State crime more severe or violent than was designed by State law.

2. Categorization of Third Degree Burglary conviction as a violent offense in a federal proceeding, is contrary to the Constitution, laws of the (Con'd on Pg. 5-4)

C. Ground three: IS COUNSEL INEFFECTIVE AS THAT GUARANTEED BY THE SIXTH AMENDMENT WHERE EVIDENCE MOODY WAS UNDER PSYCHIATRIC CARE AND ON MEDICATION, YET FAILS TO REQUEST COMPETENCY HEARING AND IGNORES A VIABLE DEFENSE?

Supporting FACTS (tell your story briefly without citing cases or law): 1. Counsel at sentencing was in possession of material confirmed by the Probation Officer and entered into the Presentencing Investigative Report (PSR), that MOODY was seeing a psychiatrist at the time of his offense.

(Con'd on Pg. 5-5)

at the Bullock County Correctional Facility on 9 Nov. 05 (Doc. # 6).

3. Released from State custody on 18 Nov. 05, Respondent effected Movant's arrest on 22 Nov. 05 from the Bollock County's custody for an arraignment hearing set for 30 Nov. 05.

4. A oral motion by Movant for counsel appointment occurred on 22 Nov. 05; that was GRANTED by the Honorable Vanzetta P. McPhearson, Judge, as well as scheduling Movant for a Detention Hearing before the Honorable Susan Russ Walker for 28 Nov. 05 at 1000 hours. Doc. # 11.

5. Notice of Appearance by Robin Corinne Konrad (KONRAD hereafter) occurred on 30 Nov. 05 (Doc. # 15), with a motion to withdraw being made on 13 Dec. 05 (Doc. # 19), less than two weeks after her appearance motion and a Notice of Appearance was filed by Christine A. Freeman (FREEMAN). Doc. # 18.

6. An ORDER GRANTING KONRAD's motion to withdraw was issued on 16 Dec. 05 (Doc. # 21); and a motion for FREEMAN to now withdraw was filed (Doc. # 22); resulting in panel attorney Bruce Maddox being appointed on the same day of 16 Dec. 05.

7. MADDOX filed a continuance and Notice of Appearance on 3 Jan. 06 (Doc.'s 25 and 26); which were GRANTED the same day (Doc. # 27); with a motion for Waiver of Speedy Trial being filed (Doc. 29).

8. The Speedy Trial motion was noted for a deficiency on 5 Jan. 06 (Doc. 30), with another motion for a continuance by MADDOX on 6 Jan. 06 (Doc. 31); that is soon followed on 23 Jan. 06 by a motion for MADDOX to withdraw as defense counsel, as well. Doc. # 34.

9. On 26 Jan. 06 MADDOX's motion to withdraw was GRANTED by the Honorable Susan R. WALKER) Doc. # 35), with the Court appointing Maryann M. Prince for Movant's counsel. Id., Doc. 35.

10. After the Government proposed Voir Dire and jury instructions on 6 Feb. 06 (Doc.'s 36 and 37); PRINCE filed her "Notice of Appearance" on 6 Feb. 06.
11. This prompted PRINCE to a continuance (Doc. 39), which was GRANTED on 7 Feb. 06 (Doc. # 40); followed by a Speedy Trial waiver as well. Doc. # 41.
12. A ORDER to PRINCE by the Court signed by the Honorable WALKER to resolve "matter addressed in defendant's attached letter" or inform court of "a conflict of between counsel and her client" occurred on 7 Mar. 06 (Doc. # 44) was to be resolved before 9 Mar. 06. Ibid.
13. PRINCE filed a "Motion Out of Time" (Doc. # 47) and a Motion to Suppress on 10 Mar. 06 (Doc.'s 47 and 48). The Court GRANTED the motion for out of time (Doc. # 50); but a "STAMPED ORDER" continued the Suppression motion until trial date, to be heard prior to trial. Doc. 54.
14. A Motion for an Extension of Time to File Notice of Intent to Change Plea" (Doc. # 61) and a Hearing was set for 10 Apr. 06 (Doc. # 62).
15. A consent to enter plea before Magistrate WALKER was filed (Doc. # 63), with a plea agreement (Doc. 64) and ORAL ORDER accepting same on 10 Apr. 06 (Doc. # 65).
16. PRINCE filed a withdraw motion on 25 May 06 (Doc. 69), which was GRANTED on 31 May 06 (Doc. # 70) because PRINCE was leaving the state of Alabama and relocating to the State of Maine.
17. The Court appointed panel attorney John M. Poti for sentencing representation on 31 May 06 (Doc. 70); which POTI filed an appearance on that same day (Doc. # 71).
18. Due to switching counsel, the sentencing date was rescheduled from 30 June 06 to 31 Aug. 06 (Doc. # 75), which was again changed to 7 Sept. 06 (Doc. # 77).
19. On 8 Sept. 06, Movant was finally adjudged to 180 months, 36 months supervised release and a special assessment fee of \$100. Doc. # 18.

20. The Court allowed POTI payment of \$1600 on Voucher # 061019000037 for representation of Movant at sentencing (Doc. # 88).
21. Movant was denied effective assistance of counsel, deprived of a speedy trial where counsel filed appearance and then withdrew with no reason — in each instance counsel was appointed since 30 Nov. 06 until 6 Feb. 06.
22. As a United States citizen, Movant is guaranteed to protections of the Fifth Amendment's due process clause and a speedy trial, as well as the Sixth Amendment's guarantee to effective assistance of counsel as an advocate between the Government's organized college educated in law prosecutor and Movant.
23. The United States Supreme Court has long recognized that no two attorney's will defend a case the same way as to strategy and tactical decisions, yet Movant had been forced to switch attorney's three times prior to any trial or plea preparations and four times prior to sentencing.
24. Movant was left no choice but to plead guilty with PRINCE as his attorney, which this record indicates was not doing what Movant asked her too (Doc. # 44; and ¶ 12, p. 5.2, supra), and was forced to plea or be left again to obtain another lawyer for a new deal and another round of attorney selection.
25. With a plea entered on 10 Apr. 06 (Doc. # 65), Prince filed a motion to withdraw from both Movant's case and the "Panel Attorney" roster due to her leaving the State. Id.
26. While information was available to these counsel of Movant having mental problems and under a psychiatrists care, no attorney requested a competency hearing that would have resulted in mitigating evidence that at least result in a low-end Guideline range sentence or plausible defense if Movant went to trial.
27. Procedural safeguards were waived, as the Speedy Trial motions depict on this record, with no strategy or tactic being explained to Movant so he could make and

decide sound decisions based upon well informed information.

28. Movant finally resorted to accepting defeat at receiving due process with informed counsel and get out of "pretrial" status to appellate status by presenting the ineffective counsel issues to a district court and obtain justice for the injustice recieved while preparing to defend against Respondent's charges.

29. It is for these facts of multiple counsel changes that kept Movant in prison without attorney assistance, delaying plea and trial proceeding and negotiations, with the Court allowing counsel withdrawals for no reason that caused missed opportunities for Movant during the pretrial period.

////////////////////// GROUND TWO (Con'd) ////////////////////////

United States, and violates the ex post facto clause of Article I, Section 9, Clause 2 of the Federal Constitution.

3. Counsel was ineffective as that guaranteed by Sixth Amendment where appointed defense counsel allowed the prosecution's use of nonviolent State prior convictions to be used at federal sentencing proceeding as a violent offense contrary to Art. IV, Section 1 of United States Constitution.

4. Counsel cannot depict a strategy or tactical reason for not providing such a challenge at sentencing, other than insufficient time to prepare for the hearing and investigate Movant, which proves again, the claims of Ground ONE, supra.

5. Movnat requests this prior alleged "nonviolent" crime be expunged from the federal sentencing criteria and its enhancement neutralized, a new Presentencing Investigation Report (PSR) be ordered by this Court, and a new judgment and commitment ORDER be issued thereon.

[5.4]

[5.4]

2. Counsel also knew Movant was on psychotropic medication at the time of his offense and would warrant an investigation as to Movant's need to see a psychiatrist and the types of medications his client was on at the time of the offense.

3. This should have caused counsel to request a competency hearing as to Movant, to determine his competency at both the time of the offense and sentencing if for no other reason, than to determine Movant's ability to communicate with counsel in preparation of his defense.

4. This scenario echoes that depicted in Ake v. Oklahoma's decision by the United States Supreme Court in 1985. Though Movant did not exhibit "bizaar" behavior at his judicial appearance as in Ake, counsel did know that Movant was on medication for psychiatric reasons to appear normal as in Ake.

5. Counsel had a viable defense he failed to investigate or pursue to see if the Movant was competent to stand trial or participate in his defense, ignoring the guidance of Ake, Cooper v. Oklahoma and Sell v. United States.

6. By ignoring this defense for a possible sentence reduction under the United States Sentencing Guidelines (USSG) § 5K2.13, then mandatory, counsel has denied Movant of due process to present a defense and have all evidence of mitigation for sentencing to be determined at sentencing as the Sixth Amendment mandates.

7. Where no tactical decision or strategic choice can be shown for this denial of effective assistance of counsel, Movant has been adjudged guilty for criminal charges without the benefit of a fair hearing with the guaranteed Sixth Amendment privilege of effective assistance of counsel.

8. Where the Due Process Clause prohibits Respondent from trying a defendant who is incompetent, counsel's error was constitutionally prejudicial and constituted reversible error.

9. Movant's ability to communicate with his counsel is shown on this record where the judge had to ORDER counsel to comply and resolve personal matters Movant himself

brought to the attention of the sentencing judge that raised "conflict of interest" concerns while PRINCE was Movant's attorney. This carried over into the representation by POTI of Movant as well.

10. The indications from this docket record depict counsel ignored their duties to their client and simply removed themselves from representing Movant at a time when their client needed counsel to protect Movant's rights during the mental trauma period during the initial arrest and confinement that followed through the Holidays and into the next year.

11. Counsel did not act as counsel envisioned by the Sixth Amendment that prejudiced Movant's defense that would have resulted in a lesser sentence under the downward departure provision of USSG § 5K2.13 (diminished capacity) and abandoned a viable defense, that resulted in Movant having to do more time had counsel not made the sentencing errors he done.

//////////////////////////////////END OF GROUND THREE//////////////////////////////////

D. Ground four: NOT USED

Supporting FACTS (tell your story briefly without citing cases or law):

N/A

13. If any of the grounds listed in 12A, B, C, and D were not previously presented, state briefly what grounds were not so presented, and give your reasons for not presenting them: The ineffective assistance of counsel claims making up Grounds A, B, and C were not presented on the direct appeal because ineffective assistance of counsel claims are more readily done on motions brought under 28 U.S.C. § 2255.
14. Do you have any petition or appeal now pending in any court as to the judgement under attack?
Yes ☐ No ☐
15. Give the name and address, if known, of each attorney who represented you in the following stages of the judgement attacked herein:
- (a) At preliminary hearing Bruce Maddox, address unknown
- (b) At arraignment and plea Maryanne PRINCE, 505 South Perry Street, Montgomery, AL; but did move to the State of Maine prior to sentencing.
- (c) At trial N/A Entered into plea agreement.
- (d) At sentencing John M. Poti, 696 North Silver Hills Drive, Suite 102, Prattville, AL., 36066-6184
- (e) On appeal Same as at sentencing, above.

N/A

(f) In any post-conviction proceeding N/A

(g) On appeal from any adverse ruling in a post-conviction proceeding

N/A

16. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court at approximately the same time?

Yes ☐ No ☒

17. Do you have any future sentences to serve after you complete the sentence imposed by the judgement under attack?

Yes ☐ No ☒

(a) If so, give name and location of court which imposed sentence to be served in the future:

N/A

(b) Give date and length of the above sentence: N/A

(c) Have you filed, or do you contemplate filing, any petition attacking the judgement which imposed the sentence to be served in the future?

Yes ☐ No ☒

Wherefore, movant prays that the Court grant him all relief to which he may be entitled in this proceeding.

N/A (Pro Se)

Signature of Attorney (if any)

TERRY W. EVANS, 04522-000
Legal Assistant, 28 CFR § 543.11(f)

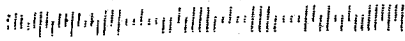
I declare under penalty of perjury that the foregoing is true and correct. Executed on:

21 Jan. 08

(date)

Mickey L. Moody
Signature of Movant

MICKEY L. MOODY, 09427-002
FCI Atlanta-Medium 30315-0160
P.O. Box 150160
Atlanta, GA 30315-0160



28 GA § 540.18(d)

LEGAL MAIL

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
ATTN. Southern Montgomery Division, Clerk
15 Lee Street
Montgomery, AL 36104

Please Return Receipt

7002 0510 0003 2609 1651



LEGAL MAIL



34c
x 24
= 8.16

MAKEY L. MOODY 09427-002
FBI Atlanta - Media
P.O. Box 150160
Atlanta, GA 30315-0160

UNITED STATES DISTRICT COURT
Middle District of Alabama

UNITED STATES OF AMERICA

v.

Case Number 1:05-CR-0195-LSC

MICKEY LEE MOODY
 Defendant.

USM Number 09427-002

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, MICKEY LEE MOODY, was represented by John M. Poti.

The defendant pleaded guilty to count 1. Accordingly, the defendant is adjudged guilty of the following count, involving the indicated offense:

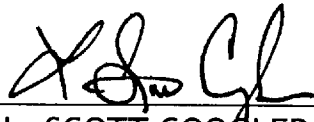
Title & Section	Nature of Offense	Offense Ended	Count Number(s)
18 USC § 922(g)(1) and 924(e)	Unlawful Possession of a Firearm and Ammunition by a Person Convicted of a Crime Punishable by Imprisonment for a Term Exceeding One Year	3/28/2005	1

As pronounced on September 7, 2006, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is ordered that the defendant shall pay to the United States a special assessment of \$100.00, for count 1, which shall be due immediately and payable to the Clerk of Court, U.S. District Court, Middle District of Alabama, P.O. Box 711, Montgomery, AL 36104.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Done this 8th day of September 2006.


 L. SCOTT COOGLER
 UNITED STATES DISTRICT JUDGE
 124019

AO 245 S (Rev. 1/98)(N.D.Ala. rev.) Sheet 2 - Imprisonment

Judgment--Page 2 of 6

Defendant: MICKEY LEE MOODY
Case Number: 1:05-CR-0195-LSC

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of ONE HUNDRED EIGHTY (180) months as to Count 1.

The Court recommends to the Bureau of Prisons the defendant be housed as close as possible to his family in Geneva County, Alabama.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

United States Marshal

By

Deputy Marshal

Defendant: MICKEY LEE MOODY
Case Number: 1:05-CR-0195-LSC

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 36 months. The Probation Office shall provide the defendant with a copy of the standard conditions and any special conditions of supervised release.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ✓ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ✓ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;

Defendant: MICKEY LEE MOODY
Case Number: 1:05-CR-0195-LSC

CONTINUATION OF STANDARD CONDITIONS OF SUPERVISED RELEASE

- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Judgment--Page 5 of 6

Defendant: MICKEY LEE MOODY
Case Number: 1:05-CR-0195-LSC

SPECIAL CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall participate, under the administrative supervision of the probation officer, in mental health rehabilitation programs. The defendant shall contribute to the cost of mental health treatment unless the probation officer determines that the defendant does not have the ability to do so or the availability of third-party payments..
- 2) The defendant shall submit to a search of his person, residence, office or vehicle pursuant to the search policy of this court.
- 3) The defendant shall participate, under the administrative supervision of the probation officer, in a drug testing and drug treatment program. The defendant shall contribute to the cost of any treatment based on ability to pay and the availability of third-party payments.
- 4) The defendant shall cooperate in the collection of DNA.

Judgment--Page 6 of 6

Defendant: MICKEY LEE MOODY
Case Number: 1:05-CR-0195-LSC

RESTITUTION AND FORFEITURE

FORFEITURE

The defendant is ordered to forfeit the following property to the United States:

One Davis Industries, Model D-32, .32 semi-automatic pistol, Serial Number 100873

27BE, MHT-ClerkA, SC

**U.S. District Court
Alabama Middle District (Dothan)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-00195-LSC-SRW All Defendants
Internal Use Only**

Case title: USA v. Moody

Date Filed: 09/08/2005

Date Terminated: 09/08/2006

Assigned to: Honorable L. Scott
Coogler
Referred to: Honorable Susan Russ
Walker

Appeals court case number:
'06-15114-C' 'USCA'

Defendant

Mickey Lee Moody (1)
TERMINATED: 09/08/2006

represented by **Federal Defender**
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: ECFCMALM@fd.org
TERMINATED: 12/16/2005
LEAD ATTORNEY
*Designation: Public Defender or
Community Defender Appointment*

John M. Poti
696 Silver Hills Drive
Suite 107
Prattville, AL 36066
(334) 361-3535
Fax: 361-3955
Email: john@jmpoti.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Maryanne Melko Prince
P. O. Box 241863
Montgomery, AL 36124-1863

334-262-1006
Email: maprince@gmail.com
TERMINATED: 05/31/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Randy Bruce Maddox
Law Offices of Bruce Maddox
6728 Taylor Court
Montgomery, AL 36117
334-244-7333
Fax: 334-260-9600
Email: retrocam@aol.com
TERMINATED: 01/26/2006
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: CJA Appointment

Robin Corinne Konrad
Federal Defenders
201 Monroe Street
407 The RSA Tower
Montgomery, AL 36104
334-834-2099
Fax: 334-834-0353
Email: robin.konrad@fd.org
TERMINATED: 12/16/2005
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Christine A. Freeman
Federal Defenders
Middle District of Alabama
201 Monroe Street, Suite 1960
Montgomery, AL 36104
334-834-2099
Fax: 834-0353
Email: christine_freeman@fd.org
TERMINATED: 12/16/2005
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

Disposition

18:922(g)(1) FELON IN
POSSESSION OF FIREARM --
NMT \$250,000 [*]; NMT 10Y; B;
NMT 3Y SUP REL; G-LNS; VWPA;
\$100 SA; FORFEITURE
ALLEGATION
(1)

180 Mos Imp; 36 Mos Sup Rel;
\$100 SA

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

**Highest Offense Level
(Terminated)**

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Karl David Cooke, Jr.**
U. S. Attorney's Office
Criminal
One Court Square
Suite 201
Montgomery, AL 36104
334-223-7280
Fax: 334-223-7135
Email: debbie.shaw@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Louis V. Franklin, Sr.
U.S. Attorney's Office
PO Box 197
Montgomery, AL 36101-0197
334-223-7280
Fax: 223-7560
Email: louis.franklin@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

John T. Harmon
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Date Filed	#	Docket Text
09/08/2005	<u>1</u>	INDICTMENT as to Mickey Lee Moody (1) count(s) 1. (snc) (Entered: 09/14/2005)
09/13/2005		(Court only) ***Set/Clear Flags as to Mickey Lee Moody (snc) (Entered: 09/14/2005)
09/13/2005		(Court only) ***Location (LF) start as to Mickey Lee Moody (snc) (Entered: 09/14/2005)
10/18/2005		Case unsealed as to Mickey Lee Moody pursuant to Notice that detainer has been lodged with Alabama DOC (Bullock CF) (snc) (Entered: 10/18/2005)
11/08/2005	<u>4</u>	MOTION for Writ of Habeas Corpus ad prosequendum by USA as to Mickey Lee Moody. (Attachments: # <u>1</u>)(Cooke, Karl) (Entered: 11/08/2005)
11/09/2005	<u>5</u>	ORDER granting <u>4</u> Motion for Writ of Habeas Corpus ad prosequendum as to Mickey Lee Moody (1), directing the clerk to issue a WHCAP addressed to Warden, Bullock County Correctional Facility, for defendant's appearance before the court on 11/30/05 at 10:00 a.m.(snc) (Entered: 11/09/2005)
11/09/2005	<u>6</u>	Writ of Habeas Corpus ad Prosequendum (Bullock County Correctional Facility) Issued as to Mickey Lee Moody for 11/30/05; Arraignment set for 11/30/2005 10:00 AM in Courtroom 4B before Honorable Charles S. Coody. (snc) (Entered: 11/09/2005)
11/09/2005		(Court only) ***Location (LO) start as to Mickey Lee Moody (snc) (Entered: 11/09/2005)
11/17/2005	<u>7</u>	Arrest Warrant Returned Executed in case as to Mickey Lee Moody. Defendant arrested on 11/14/05 (WHCAP from Bullock CF; state time ends on 11/18/05). (snc) (Entered: 11/21/2005)
11/19/2005		(Court only) ***Location (LC) start as to Mickey Lee Moody (pursuant to Warrant Returned Executed on 11/17/05 with notation that state time ends on 11/18/05). (snc) (Entered: 11/21/2005)

11/22/2005	<u>8</u>	MOTION for Detention Hearing by USA as to Mickey Lee Moody. (Cooke, Karl) (Entered: 11/22/2005)
11/22/2005		Arrest of Mickey Lee Moody (war) (Entered: 11/22/2005)
11/22/2005	<u>9</u>	Minute Entry for proceedings held before Judge Vanzetta P. McPherson :Initial Appearance as to Mickey Lee Moody held on 11/22/2005, Arraignment as to Mickey Lee Moody (1) Count 1 held on 11/22/2005, Plea entered by Mickey Lee Moody (1) Count 1 Not Guilty on counts 1. (Recording Time FTR: 3:43 - 3:52.) (war) (Entered: 11/22/2005)
11/22/2005		ORAL MOTION to Appoint Counsel by Mickey Lee Moody. (war,) (Entered: 11/22/2005)
11/22/2005		ORDER (ORAL)granting Oral Motion to Appoint Counsel: Federal Defender for Mickey Lee Moody appointed. Signed by Judge Vanzetta P. McPherson on 11/22/05. (war,) (Entered: 11/22/2005)
11/22/2005	<u>10</u>	CJA 23 Financial Affidavit by Mickey Lee Moody (war) (Entered: 11/22/2005)
11/22/2005		Terminate Deadlines and Hearings as to Mickey Lee Moody: Terminated arraignment deadline; Defendant arraigned on 11/22/05. (ws,) (Entered: 11/28/2005)
11/23/2005	<u>11</u>	Order of Temporary Detention Pending Hearing as to Mickey Lee Moody: Detention Hearing set for 11/28/2005 10:00 AM in Courtroom 5B before Honorable Susan Russ Walker. Pending this hearing, the defendant shall be held in custody of the U.S. Marshal and produced for the hearing. Signed by Judge Susan Russ Walker on 11/23/05. (ws,) (Entered: 11/23/2005)
11/28/2005	<u>12</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Detention Hearing as to Mickey Lee Moody held on 11/28/2005 (Recording Time 10:10 - 10:23.) (Attachments: # <u>1</u> Witness List) (jct,) (Entered: 11/28/2005)
11/28/2005	<u>13</u>	ORDER ON ARRAIGNMENT as to Mickey Lee Moody setting Pretrial Conference for 1/3/2006 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker, setting Jury Trial for 1/23/2006 criminal term before Honorable Myron H. Thompson, setting Pretrial Motions due two days before pretrial conference, directing that initial disclosure from the government is due on 11/22/05, with discovery from the defendant due by 11/29/2005. Signed by Judge Susan Russ Walker on 11/28/05. (snc, (Entered: 11/28/2005)
11/30/2005	<u>14</u>	ORDER OF DETENTION as to Mickey Lee Moody (terminating <u>8</u> MOTION for Detention Hearing filed by USA) committing the defendant to the custody of the AG . Signed by Judge Susan Russ Walker on 11/30/05. (snc) (Entered: 11/30/2005)

11/30/2005	<u>15</u>	NOTICE OF ATTORNEY APPEARANCE: Robin Corinne Konrad appearing for Mickey Lee Moody (Konrad, Robin) (Entered: 11/30/2005)
12/07/2005	<u>16</u>	MOTION for Release from Custody by USA as to Mickey Lee Moody. (Attachments: # <u>1</u> Text of Proposed Order)(Cooke, Karl) (Entered: 12/07/2005)
12/07/2005	<u>17</u>	ORDER granting <u>16</u> Motion for Release from Custody as to Mickey Lee Moody, directing the USM to release custody of the defendant to Agents on 12/7/05 through 3/7/06, as outlined in order, and directing the Agents to return the prisoner into the custody of the USMS when they have finished with him. Signed by Judge Susan Russ Walker on 12/7/05. (snc) (Entered: 12/07/2005)
12/07/2005	<u>18</u>	NOTICE OF ATTORNEY APPEARANCE: Christine A. Freeman appearing for Mickey Lee Moody (Freeman, Christine) (Entered: 12/07/2005)
12/13/2005	<u>19</u>	MOTION to Withdraw as Attorney by Robin C. Konrad. by Mickey Lee Moody. (Konrad, Robin) (Entered: 12/13/2005)
12/13/2005	<u>20</u>	MOTION to Withdraw as Attorney by Christine A. Freeman. by Mickey Lee Moody. (Freeman, Christine) (Entered: 12/13/2005)
12/16/2005	<u>21</u>	ORDER granting <u>19</u> MOTION to Withdraw as Attorney by Robin C. Konrad filed by Mickey Lee Moody and APPOINTING PANEL ATTORNEY Bruce Maddox for Mickey Lee Moody. Signed by Judge Susan Russ Walker on 12/16/05. (snc) (Entered: 12/19/2005)
12/16/2005	<u>22</u>	ORDER granting <u>20</u> Motion to Withdraw as Attorney by Christine Freeman as to Mickey Lee Moody (1) and appointing panel attorney Bruce Maddox. Signed by Judge Susan Russ Walker on 12/16/05. (snc) (Entered: 12/19/2005)
12/16/2005	<u>23</u>	Attorney update in case as to Mickey Lee Moody: Attorney Robin Corinne Konrad, Federal Defender, and Attorney Christine A. Freeman terminated per 12/16/05 orders (snc) (Entered: 12/19/2005)
12/23/2005	<u>24</u>	CJA 20 as to Mickey Lee Moody: Appointment of Attorney Bruce Maddox for Mickey Lee Moody. . Signed by Judge Susan Russ Walker on 12/23/2005. (sql,) (Entered: 12/29/2005)
12/28/2005	<u>25</u>	Summons Returned Executed on 12/23/2005. as to Mickey Lee Moody (sql,) (Entered: 12/29/2005)
01/03/2006	<u>26</u>	MOTION to Continue trial by Mickey Lee Moody. (Maddox, Bruce) (Entered: 01/03/2006)
01/03/2006	<u>27</u>	NOTICE OF ATTORNEY APPEARANCE: Bruce Maddox appearing for Mickey Lee Moody (Maddox, Bruce) (Entered: 01/03/2006)

01/03/2006		(Court only) ***Set/Clear Flags as to Mickey Lee Moody (snc) (Entered: 01/03/2006)
01/03/2006	<u>27</u>	ORDER TO CONTINUE - Ends of Justice as to Mickey Lee Moody (1) granting <u>25</u> MOTION to Continue trial filed by Mickey Lee Moody, and (2) resetting Jury Selection and Trial for 2/13/2006 10:00AM before Honorable L. Scott Coogler.Signed by Judge Myron H. Thompson on 1/3/06. (snc) (Entered: 01/03/2006)
01/03/2006	<u>28</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Mickey Lee Moody held on 1/3/2006 (Recording Time 3:32 - 3:36.) (jct,) (Entered: 01/05/2006)
01/03/2006	<u>29</u>	WAIVER of Speedy Trial re <u>25</u> motion to continue by Mickey Lee Moody (snc) (Entered: 01/05/2006)
01/03/2006	<u>30</u>	Case as to Mickey Lee Moody Reassigned to Judge L. Scott Coogler. Judge Myron H. Thompson no longer assigned to the case. (snc) (Entered: 01/05/2006)
01/05/2006	<u>31</u>	NOTICE of Deficiency to Attorney Bruce Maddox re <u>29</u> Waiver of Speedy Trial (snc) (Entered: 01/05/2006)
01/06/2006	<u>32</u>	MOTION to Continue trial by Mickey Lee Moody. (Attachments: # 1)(Maddox, Bruce) (Entered: 01/06/2006)
01/06/2006	<u>33</u>	PRETRIAL CONFERENCE ORDER as to Mickey Lee Moody setting Jury Selection and Jury Trial (ETT 2 days) for 2/13/2006 10:00AM before Honorable L. Scott Coogler, directing that Voir Dire is due by 2/6/2006, directing that Proposed Jury Instructions are due by 2/6/2006, setting Motions in Limine deadline for 2/6/2006, and setting Plea Agreement deadline for 2/6/2006. Signed by Judge Susan Russ Walker on 1/6/06. (snc) (Entered: 01/06/2006)
01/11/2006	<u>34</u>	STAMPED ORDER DENYING UNOPPOSED MOTION TO CONTINUE TRIAL as to Mickey Lee Moody (1). Signed by Judge L. Scott Coogler on 1/11/06. (kcg,) (Entered: 01/11/2006)
01/23/2006	<u>35</u>	MOTION to Withdraw as Attorney by Bruce Maddox. by Mickey Lee Moody. (Maddox, Bruce) (Entered: 01/23/2006)
01/25/2006	<u>36</u>	MOTIONS as to Mickey Lee Moody REFERRED to Magistrate Judge Susan Russ Walker: <u>34</u> MOTION to Withdraw as Attorney by Bruce Maddox. (kcg,) (Entered: 01/25/2006)
01/26/2006	<u>37</u>	ORDER granting <u>34</u> Motion to Withdraw as Attorney by Bruce Maddox as to Mickey Lee Moody (1), and appointing Atty Prince to represent the defendant in this action. Signed by Judge Susan Russ Walker on 1/26/06. (snc) (Entered: 01/26/2006)
01/26/2006	<u>38</u>	Attorney update in case as to Mickey Lee Moody: Attorney Maryanne Melko Prince added for Mickey Lee Moody pursuant to

		<u>35</u> order. (snc) (Entered: 01/26/2006)
02/06/2006	<u>36</u>	Proposed Voir Dire by USA as to Mickey Lee Moody (Harmon, John) (Entered: 02/06/2006)
02/06/2006	<u>37</u>	Proposed Jury Instructions by USA as to Mickey Lee Moody (Harmon, John) (Entered: 02/06/2006)
02/06/2006	<u>38</u>	NOTICE OF ATTORNEY APPEARANCE: Maryanne Melko Prince appearing for Mickey Lee Moody (Prince, Maryanne) (Entered: 02/06/2006)
02/06/2006	<u>39</u>	MOTION to Continue trial by Mickey Lee Moody. (Prince, Maryanne) (Entered: 02/06/2006)
02/07/2006	<u>40</u>	ORDER TO CONTINUE - Ends of Justice as to Mickey Lee Moody granting <u>39</u> MOTION to Continue trial filed by Mickey Lee Moody, resetting Jury Selection and Jury Trial for 4/17/2006 10:00 AM before Honorable L. Scott Coogler, and setting Pretrial Conference for 4/3/2006 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 2/7/06. (snc) (Entered: 02/07/2006)
02/07/2006	<u>41</u>	WAIVER of Speedy Trial by Mickey Lee Moody (Prince, Maryanne) (Entered: 02/07/2006)
02/16/2006	<u>42</u>	CJA 20 (Nunc Pro Tunc 1/26/06) as to Mickey Lee Moody: Appointment of Attorney Maryanne Melko Prince for Mickey Lee Moody. . Signed by Judge Susan Russ Walker on 2/16/06. (snc) (Entered: 02/16/2006)
02/22/2006	<u>43</u>	NOTICE OF ATTORNEY APPEARANCE John T. Harmon appearing for USA. (Harmon, John) (Entered: 02/22/2006)
03/07/2006	<u>44</u>	ORDER as to Mickey Lee Moody directing defendant's attorney to notify the court on or before close of business on 3/9/2006 whether the matter addressed in defendant's attached letter has been resolved with defendant or whether there is a conflict between counsel and her client that should be set for hearing. Signed by Judge Susan Russ Walker on 3/7/06. (Attachments: # <u>1</u> Letter from Defendant Moody) (snc) (Entered: 03/07/2006)
03/09/2006	<u>45</u>	STATUS REPORT <i>and Defendant's Response to Order</i> by Mickey Lee Moody (Prince, Maryanne) (Entered: 03/09/2006)
03/10/2006	<u>46</u>	ORDER as to Mickey Lee Moody Pretrial Conference set for 4/3/2006 is rescheduled for 3/27/2006 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker.. Signed by Judge Susan Russ Walker on 3/10/06. (kcg,) (Entered: 03/10/2006)
03/10/2006	<u>47</u>	MOTION for Leave to File <i>Motion Out of Time</i> by Mickey Lee Moody. (Prince, Maryanne) (Entered: 03/10/2006)

03/10/2006	● <u>48</u>	MOTION to Suppress by Mickey Lee Moody. (Prince, Maryanne) (Entered: 03/10/2006)
03/13/2006	● <u>49</u>	RESPONSE to Motion by USA as to Mickey Lee Moody re <u>48</u> MOTION to Suppress (Cooke, Karl) (Entered: 03/13/2006)
03/14/2006	● <u>50</u>	ORDER as to Mickey Lee Moody granting <u>47</u> MOTION for Leave to File <i>Motion Out of Time</i> filed by Mickey Lee Moody, setting Motion Hearing for 3/31/2006 10:00 AM in Courtroom 2D before Honorable L. Scott Coogler re <u>48</u> MOTION to Suppress, and directing the USM to produce the defendant, if in custody . Signed by Judge Susan Russ Walker on 3/14/06. (snc) (Entered: 03/14/2006)
03/15/2006	● <u>51</u>	MOTION to Continue <i>Suppression Hearing</i> by USA as to Mickey Lee Moody. (Cooke, Karl) (Entered: 03/15/2006)
03/27/2006	● <u>52</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Mickey Lee Moody held on 3/27/2006 (Recording Time 3:12 - 3:14.) (jct,) (Entered: 03/27/2006)
03/28/2006	● <u>53</u>	MOTION to Continue <i>Pre-trial Conference</i> by Mickey Lee Moody. (Prince, Maryanne) (Entered: 03/28/2006)
03/28/2006	● <u>54</u>	STAMPED ORDER granting <u>51</u> Motion to Continue Suppression Hearing set for March 31, 2006 as to Mickey Lee Moody (1). The Motion to Suppress (doc. 48), will be heard on the day of trial, immediately before trial begins. Signed by Judge L. Scott Coogler on 3/28/06. (kcg,) (Entered: 03/28/2006)
03/28/2006	●	Terminate Deadlines and Hearings as to Mickey Lee Moody: (kcg,) (Entered: 03/29/2006)
03/29/2006	● <u>55</u>	ORDER as to Mickey Lee Moody granting <u>53</u> MOTION to Continue <i>Pre-trial Conference</i> filed by Mickey Lee Moody. Pretrial Conference previously set for 3/27/06 is CONTINUED to 4/3/2006 at 03:00 PM in Courtroom 5B before Honorable Susan Russ Walker. Signed by Judge Susan Russ Walker on 3/29/06. (ws) (Entered: 03/29/2006)
04/03/2006	● <u>56</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Pretrial Conference as to Mickey Lee Moody held on 4/3/2006 (Recording Time 3:36 - 3:40.) (jct,) (Entered: 04/03/2006)
04/04/2006	● <u>57</u>	MOTION for Release from Custody by USA as to Mickey Lee Moody. (Attachments: # <u>1</u>)(Cooke, Karl) (Entered: 04/04/2006)
04/05/2006	● <u>58</u>	ORDER granting <u>57</u> Motion for Release of Custody as to Mickey Lee Moody, directing the USM to release custody of defendant Moody to agent as outlined in order, and directing the agent to return said prisoner into the custody to the USMS when they have finished with him. Signed by Judge Susan Russ Walker on 4/5/06.

		(snc) (Entered: 04/05/2006)
04/05/2006	<u>59</u>	MOTION for Extension of Time to File <i>Notice of Change of Plea</i> by Mickey Lee Moody. (Prince, Maryanne) (Entered: 04/05/2006)
04/05/2006	<u>60</u>	ORDER granting <u>59</u> Motion for Extension of Time to change plea as to Mickey Lee Moody (1). Signed by Judge Susan Russ Walker on 4/5/06. (snc) (Entered: 04/05/2006)
04/07/2006	<u>61</u>	NOTICE OF INTENT TO CHANGE PLEA by Mickey Lee Moody (Prince, Maryanne) (Entered: 04/07/2006)
04/10/2006	<u>62</u>	ORDER as to Mickey Lee Moody: Change of Plea Hearing set for 4/10/2006 03:30 PM in Courtroom 5B before Honorable Susan Russ Walker; directing Clerk to provide a court reporter for this proceeding; that if defendant is in custody the U. S. Marshal shall produce defendant for this proceeding. Signed by Judge Susan Russ Walker on 4/10/06. (jct,) (Entered: 04/10/2006)
04/10/2006	<u>63</u>	Consent to Enter Guilty Plea before U. S. Magistrate Judge as to Mickey Lee Moody (jct,) (Entered: 04/11/2006)
04/10/2006	<u>64</u>	PLEA AGREEMENT as to Mickey Lee Moody (jct,) (Entered: 04/11/2006)
04/10/2006		ORAL ORDER accepting guilty plea and adjudicating defendant guilty as to Count 1 of the Indictment as to Mickey Lee Moody . Signed by Judge Susan Russ Walker on 4/10/06. (jct,) (Entered: 04/11/2006)
04/10/2006	<u>65</u>	Minute Entry for proceedings held before Judge Susan Russ Walker :Change of Plea Hearing as to Mickey Lee Moody held on 4/10/2006, Plea entered by Mickey Lee Moody (1) Guilty Count 1. (Court Reporter Mitchell Reisner.) (jct,) (Entered: 04/11/2006)
04/12/2006	<u>66</u>	MOTION for Forfeiture of Property (<i>Motion for Preliminary Order of Forfeiture</i>) by USA as to Mickey Lee Moody. (Attachments: # <u>1</u> Text of Proposed Order)(Harmon, John) (Entered: 04/12/2006)
04/12/2006	<u>67</u>	PRELIMINARY ORDER OF FORFEITURE as to Mickey Lee Moody re One Davis Industries, Model D-32,.32 semi-automatic pistol, Serial Number 100873, as outlined in order. The Clerk is directed to note entry of this order on the judgment and to mail two certified copies to the USA.. Signed by Judge L. Scott Coogler on 4/12/06. (snc) (Entered: 04/12/2006)
04/14/2006	<u>68</u>	ORDER as to Mickey Lee Moody Sentencing is set for 6/30/2006 09:15 AM in Courtroom 2D before Honorable L. Scott Coogler, as further set out. Signed by Judge L. Scott Coogler on 4/14/06. (kcg,) (Entered: 04/14/2006)
05/25/2006	<u>69</u>	MOTION to Withdraw as Attorney and Appointe CJA Panel Attorney by Maryanne M. Prince. by Mickey Lee Moody. (Prince, Maryanne) (Entered: 05/25/2006)

05/31/2006	<u>70</u>	ORDER as to Mickey Lee Moody granting <u>69</u> MOTION to Withdraw as Attorney and Appoint CJA Panel Attorney by Maryanne M. Prince. ORDER APPOINTING PANEL ATTORNEY John M. Poti as to Mickey Lee Moody. Signed by Judge Susan Russ Walker on 5/31/06. (ws,) (Entered: 05/31/2006)
05/31/2006	<u>71</u>	NOTICE OF ATTORNEY APPEARANCE: John M. Poti appearing for Mickey Lee Moody (Poti, John) (Entered: 05/31/2006)
06/01/2006	<u>72</u>	CJA 20 as to Mickey Lee Moody: Appointment of Attorney John M. Poti for Mickey Lee Moody. Signed by Judge Susan Russ Walker on 5/31/06. (ws,) (Entered: 06/01/2006)
06/15/2006	<u>73</u>	MOTION to Add Publication Dates to Record by USA as to Mickey Lee Moody. (Attachments: # <u>1</u> Montgomery Independent legal notice)(Harmon, John) (Entered: 06/15/2006)
06/19/2006	<u>74</u>	ORDER granting <u>73</u> Motion to Add Publication Dates to Record as to Mickey Lee Moody (1). Signed by Judge Susan Russ Walker on 6/19/2006. (ag,) (Entered: 06/19/2006)
07/13/2006	<u>75</u>	ORDER as to Mickey Lee Moody that the sentencing scheduled for 6/30/2006 is rescheduled for 8/31/2006 10:00 AM in Courtroom 2D before Honorable L. Scott Coogler. Signed by Judge L. Scott Coogler on 7/13/06. (kcg,) (Entered: 07/13/2006)
08/25/2006	<u>76</u>	MOTION to Continue <i>Sentencing</i> by USA as to Mickey Lee Moody. (Cooke, Karl) (Entered: 08/25/2006)
08/28/2006	<u>77</u>	STAMPED ORDER as to Mickey Lee Moody GRANTING <u>76</u> MOTION to Continue <i>Sentencing</i> filed by USA, and resetting Sentencing, now set for 8/31/06, for 9/7/2006 at 01:30 PM before Honorable L. Scott Coogler. Signed by Judge L. Scott Coogler on 8/28/06. (snc) (Entered: 08/28/2006)
09/06/2006	<u>78</u>	MOTION for Forfeiture of Property (<i>Motion for a Final Order of Forfeiture</i>) by USA as to Mickey Lee Moody. (Attachments: # <u>1</u> Text of Proposed Order)(Harmon, John) (Entered: 09/06/2006)
09/07/2006		Minute Entry for proceedings held before Judge L. Scott Coogler :Sentencing held on 9/7/2006 as to Mickey Lee Moody (1) (Court Reporter Risa L. Entrekin.) [no pdf attached]. (kcg,) (Entered: 09/10/2006)
09/07/2006		ORAL ORDER as to Mickey Lee Moody GRANTING <u>78</u> MOTION for Forfeiture of Property (<i>Motion for a Final Order of Forfeiture</i>) filed by USA with written order to follow . Signed by Judge L. Scott Coogler on 9/7/06. (kcg,) (Entered: 09/10/2006)
09/08/2006	<u>79</u>	FINAL ORDER OF FORFEITURE as to Mickey Lee Moody. The Court finds that defendant Mickey Lee Moody had an interest in the firearm that is subject to forfeiture pursuant to Title 18, U.S. Code, Section 924 and Title 28, U.S. Code, Section 2461 (c). The

		United States has established the requisite nexus between such in the commission of the violation of Title 18, U.S. Code, Section 924 (c)(1)(A). NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the following firearm is hereby forfeited to the United States pursuant to Title 18, U.S. Code, Section 924 and Title 28, U.S. Code, Section 2461(c): One Davis Industries, Model D-32,.32 Semi-Automatic Pistol, Serial Number 100873, as further set out. Signed by Judge L. Scott Coogler on 9/8/06. (kcg,) (Entered: 09/08/2006)
09/08/2006	● <u>80</u>	JUDGMENT as to Mickey Lee Moody (1), Count(s) 1, 180 Mos Imp; 36 Mos Sup Rel; \$100 SA . Signed by Judge L. Scott Coogler on 9/8/06. (kcg,) (Entered: 09/10/2006)
09/19/2006	● <u>81</u>	NOTICE OF APPEAL by Mickey Lee Moody to the United States Court of Appeal For The Eleventh Circuit from the <u>80</u> Judgment entered on September 8, 2006. Copies mailed (ydw,) (Entered: 09/20/2006)
09/19/2006	●	Notice of Appeal <u>81</u> containing MOTION for Appointment of Counsel by Mickey Lee Moody. (ydw,) (Entered: 09/20/2006)
09/20/2006	●	Transmission of Notice of Appeal and Certified Copy of Docket Sheet and Order as to Mickey Lee Moody to US Court of Appeals re <u>81</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 09/20/2006)
09/27/2006	● <u>82</u>	ORDER granting <u>81</u> Motion to Appoint Counsel as to Mickey Lee Moody (1) and that John M. Pot shall continue to represent defendant Moody on appeal. Signed by Judge Myron H. Thompson on 9/27/2006. (ag,) (Entered: 09/27/2006)
09/29/2006	● <u>83</u>	PRESENTENCE INVESTIGATION REPORT (Sealed) as to Mickey Lee Moody (kcg,) (Entered: 09/29/2006)
09/29/2006	●	USCA Case Number as to Mickey Lee Moody 06-15114-C for <u>81</u> Notice of Appeal - Final Judgment filed by Mickey Lee Moody. (ydw,) (Entered: 09/29/2006)
10/02/2006	● <u>84</u>	RECEIVED TRANSCRIPT REQUEST SHEET re <u>81</u> Notice of Appeal - Final Judgment from John M. Poti counsel for Mickey Lee Moody, with following notation: "I Am Ordering A Transcript Of The Following Proceedings: Sentencing proceedings held on 9/7/06 before Judge L. Scott Coogler, Risa L. Entrekin C/R. Courtesy copy to RE/CR. (ydw,) (Entered: 10/02/2006)
10/04/2006	● <u>85</u>	TRANSCRIPT of SENTENCING HEARING (PDF available for court use only) as to Mickey Lee Moody held on 9/7/06 before Judge L. Scott Coogler. Court Reporter: Risa Entrekin (one volume). (snc) (Entered: 10/05/2006)
10/04/2006	● <u>86</u>	TRANSCRIPT re <u>81</u> Notice of Appeal - Final OF SENTENCING HEARING (PDF available for court use only) filed as to Mickey Lee

		Moody for dates of September 7, 2006 before Judge L. Scott Coogler, Reporter: Risa Entrekin. (ydw,) (Entered: 10/05/2006)
10/12/2006	● <u>87</u>	CJA 24 as to Mickey Lee Moody: Authorization to Pay Risa Entrekin \$ \$59.40 for Transcript of 9/7/06 SENCENTING held before Judge L. Scott Coogler . Signed by Judge Myron H. Thompson on 10/12/06. (ydw,) (Entered: 10/13/2006)
10/25/2006	● <u>88</u>	CJA 20 as to Mickey Lee Moody: Authorization to Pay John M. Poti. Amount: \$ 1,600.00, Voucher # 061019000037. . Signed by Judge Myron H. Thompson on 10/20/06. (ws,) (Entered: 10/25/2006)
11/21/2006	● <u>89</u>	TRANSCRIPT of Change of Plea Proceedings (PDF available for court use only) as to Mickey Lee Moody held on 4/10/06 before Judge Susan R. Walker. Court Reporter: Mitchell Reisner. (ws,) (Entered: 11/21/2006)
12/01/2006	● <u>90</u>	Judgment Returned Executed as to Mickey Lee Moody delivered to U.S.P. Atlanta, GA on 11/20/2006. (ag,) (Entered: 12/01/2006)
12/14/2006	●	Certificate of Readiness to US Court of Appeals re 06-15114-C for <u>81</u> Notice of Appeal (ydw,) (Entered: 12/14/2006)
12/14/2006	●	Request for Record on Appeal By USCA Eleventh Circuit re 06-15114-C for 81 Notice of Appeal (ydw,) (Entered: 12/15/2006)
12/15/2006	●	Certified and Transmitted Record on Appeal as to Mickey Lee Moody to US Court of Appeals re 06-15114-C, <u>81</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 12/15/2006)
03/13/2007	● <u>91</u>	Per Curiam Opinion received from USCA Eleventh Circuit of Opinion Entered on 2/9/07; AFFIRMING the district court's decision. (ydw,) (Entered: 03/15/2007)
03/13/2007	● <u>92</u>	JUDGMENT ISSUED AS MANDATE 3/12/07 of USCA (certified copy) as to Mickey Lee Moody re <u>81</u> Notice of Appeal - Final Judgment; AFFIRMING the district court's decision. (ydw,) (Entered: 03/15/2007)
03/13/2007	●	Appeal Record Returned as to Mickey Lee Moody: 06-15114-CC, <u>81</u> Notice of Appeal - Final Judgment (ydw,) (Entered: 03/15/2007)